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RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
N.D. CA-SAN JOSE

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(1)

Attorneys for Defendants
TECHNOLOGY PROPERTIES LIMITED LLC, a
California limited liability company, ALLIACENSE LLC, a
Delaware limited liability company, DANIEL EDWIN
LECKRONE, DANIEL McNARY LECKRONE and
MICHAEL DAVIS

ADB

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Ch HRL

CHARLES H. MOORE,

Plaintiff,

v.

TECHNOLOGY PROPERTIES LIMITED
LLC, et al.,

Defendants.

CV 10 - 4747

NOTICE OF REMOVAL

Santa Clara County Superior Court
Case No. 1-10-CV-183613

HRL

PLEASE TAKE NOTICE that Defendants TECHNOLOGY PROPERTIES LIMITED LLC, a California limited liability company, ALLIACENSE LLC, a Delaware limited liability company, DANIEL EDWIN LECKRONE, DANIEL McNARY LECKRONE and MICHAEL DAVIS (hereinafter "Defendants") hereby remove to this Court the state court action described below.

1. On September 27, 2010, a civil action was commenced in the Superior Court of the State of California in and for the County of Santa Clara, entitled *Charles H. Moore v.*

RCI/5721883.1/DB

NOTICE OF REMOVAL

1 *Technology Properties Limited LLC, et al.*, Case No. 1-10-CV-183613. A copy of the Summons,
2 Complaint, Civil Lawsuit Notice, Alternative Dispute Resolution Information Sheet, Notice of
3 Motion and Motion for Preliminary Injunction, Plaintiff's Memorandum of Points and Authorities
4 in Support of Motion for Preliminary Injunction, Declaration of Charles H. Moore in Support of
5 Motion for Preliminary Injunction, Request for Judicial Notice in Support of Injunctive Relief,
6 and Notice of Related Case are attached hereto as Exhibit "A". These documents comprise all
7 process, pleadings, and orders served on Defendants in this action.

8 2. The first date on which any Defendant was served with a copy of said Complaint
9 and Summons was October 5, 2010, when Defendants Technology Properties Limited and
10 Alliacense were served through service on CT Corporation. As of the date of the Notice of
11 Removal, although Plaintiff has attempted to serve the remaining Defendants pursuant to
12 California Code of Civil Procedure section 415.20(b) on October 6, 2010, service has not been
13 perfected or completed pursuant to that statute. Therefore, the time within which Defendants are
14 permitted to file this Notice of Removal under 28 U.S.C. § 1446 has not expired as of the time of
15 the filing and service of this Notice of Removal.

16 3. This action is a civil action of which this Court has original jurisdiction under 28
17 U.S.C. §1331 and 1338, and consequently is one which may be removed to this Court by
18 Defendants pursuant to the provisions of 28 U.S.C. §1441(b). The claims asserted in the
19 complaint arise under federal law, and the Plaintiff's right to relief on the claims alleged in the
20 complaint necessarily depend on the resolution of substantial questions of federal patent law. The
21 subject matter of Plaintiff's allegations is a portfolio of patents ("MMP Portfolio") allegedly
22 owned by Plaintiff and concerning certain technology that Plaintiff alleges he invented. Plaintiff
23 further alleges that he entered into an agreement and license concerning Defendants' use and
24 commercialization of the MMP Portfolio. Plaintiff further claims that Defendants have made use
25 of the MMP Portfolio beyond the use allowed pursuant to the agreement and/or license alleged in
26 the complaint.

1 4. Removal of this action to this District and Division is proper under 28 U.S.C. §
2 1441 because this is the District and Division which embraces the County where this action was
3 filed and pending. [28 U.S.C. § 84(a); Northern District Civil Local Rule 3-2(e).]

4 5. All Defendants who have been served with the Summons and Complaint in this
5 matter have joined in this Notice of Removal as evidenced by counsel's signature below.

6 Dated: October 20, 2010

ROPERS, MAJESKI, KOHN & BENTLEY

7
8 By: _____

J. MARK THACKER
TECHNOLOGY PROPERTIES LIMITED
LLC, a California limited liability company,
ALLIACENSE LLC, a Delaware limited
liability company, DANIEL EDWIN
LECKRONE, DANIEL McNARY
LECKRONE and MICHAEL DAVIS

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